

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. MAIN STREET TELEPHONE COMPANY, Respondent.	DOCKET NO. FCU-03-30
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ORDER APPROVING SETTLEMENT AND ASSESSING CIVIL PENALTY

(Issued March 17, 2004)

On January 20, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a "Petition For Proceeding to Impose Civil Penalty" for alleged cramming violations committed by Main Street Telephone Company (Main Street).

In its petition, Consumer Advocate asserted that Main Street billed unauthorized charges to the complaining customer's local telephone service in violation of Iowa's anti-cramming law, Iowa Code § 476.103 (2003).

On March 12, 2004, the parties to this docket, Consumer Advocate and Main Street, submitted a joint motion for approval of a settlement. The settlement agreement addresses all issues in the docket and includes a monetary penalty

against Main Street in the amount of \$500, which is to be paid within 30 days of the date of this order.

The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, is in the public interest, and will be approved. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on March 12, 2004, is granted and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed March 12, 2004, Main Street Telephone Company is assessed a civil penalty in the amount of \$500. Payment is due within 30 days of the date of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 17th day of March, 2004.